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TESTIMONY

Of

Jon Adler

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On

**“The U.S. Homeland Security Role in the Mexican
War Against Drug Cartels”**

Before the

**Subcommittee on Oversight, Investigations, and
Management
Committee on Homeland Security
U.S. House of Representatives**

March 31, 2011

Good Morning Chairman McCaul, Ranking Member Keating, and Distinguished Members of the Subcommittee. On behalf of the 26,000 members of the Federal Law Enforcement Officers Association (FLEOA), thank you for the opportunity to appear before you today. My name is Jon Adler and I am the National President of F.L.E.O.A. I am proud to represent federal law enforcement officers from over 65 different agencies. My testimony will represent the views of FLEOA members employed by the Department of Homeland Security, as well as those employed by agencies that play an active role in combating Mexico's drug trafficking organizations. I am dedicating my testimony today in honor of the memory of hero ICE Special Agent Jaime Zapata who was savagely murdered in Mexico on February 15, 2011.

As evidenced by this hearing's title, there is a "war" being waged in Mexico against the drug cartels. So in considering how the U.S. can assist Mexico in this noble campaign, I believe we must first ask two very important questions. First, why was hero ICE Special Agent Zapata sent to Mexico in a law enforcement capacity unarmed, without any practical means of protecting himself? Second, in light of Agent Zapata's tragic death, why does our country continue to send unarmed federal agents to a war zone? To properly answer these questions, there must be a thorough assessment of the risks which confront U.S. agents, the duties they perform, and the diplomatic protections, if any, they are afforded. This is particularly necessary in light of the President's fiscal year 2012 budget request which seeks to double—from 20 to 40—the number of ICE Agents assigned to Mexico.

On March 3rd, 2011, after his meeting with Mexico President Calderon, President Obama stated, in effect, that Mexican law prohibits U.S. agents from carrying firearms in Mexico. He seemingly minimized the importance of this by adding that the role our Agents perform in that country is strictly "advisory" in nature and that they do not perform law enforcement activities there. In terms of articulating a realistic risk assessment, his words failed.

First, U.S. agents do perform law enforcement activities in Mexico, albeit unarmed. They are regularly tasked with conducting field interviews, responding to crime scenes, overseeing training, participating in investigations, and performing a variety of other law enforcement duties. Furthermore, published news accounts have made clear that the cartels have and continue to target U.S. agents for who they are and what they represent, and not for the specific activities they may perform. Minimizing their role as "advisory" does not eliminate the deadly risk U.S. agents' face in Mexico.

In addition to a lack of authority to carry firearms, most of our agents in Mexico also suffer from a lack of proper diplomatic protection as well. If we send an unarmed agent to Mexico without full diplomatic status, and they are murdered like Jaime Zapata, how does our country demand extradition if the killers are caught? I appeal to this Subcommittee to ask the State Department exactly how many of our

agents in Mexico have full diplomatic protection. Furthermore, this Subcommittee should inquire as to what steps the State Department has taken to exert their formidable leverage to secure gun carrying authority for all U.S. agents assigned to Mexico – as well as to other hostile countries. Until the State Department is able to negotiate the right for U.S. agents to carry firearms in Mexico to protect themselves, I respectfully ask for this Subcommittee's support in asking all agencies to stop assigning unarmed agents to Mexico. By continuing this perilous practice, they dishonor the ultimate sacrifice made by hero Jaime Zapata.

So can Mexico win this war without the support of U.S. agents? The answer is no. It is important to understand that the cartels, whether they engage in drug trafficking, gun trafficking, human trafficking or terrorism, pose a serious threat to the United States. Cooperation with the Mexican government is in the interest of both countries, as is an integrated law enforcement approach to effectively target and defeat the cartels. And while we understand that the U.S. government cannot dictate changes in Mexican law, it is the government's responsibility to ensure that our agents can protect themselves while serving in hostile countries, irrespective of the length of their assignment. We don't ask our soldiers to go into combat unarmed, and we should not do the same to our Federal law enforcement agents.

On September 11th, 2001, I and many others served as first responders at Ground Zero. We responded without having the proper safety equipment, and accepted the risks. Since then, we have all learned the importance of preparedness and the value of having the proper safety equipment to effectively respond to critical incidents. So what lesson has our government learned from Jaime Zapata's death? I respectfully ask that this Subcommittee continue to seek answers from the State Department and the heads of our Federal law enforcement agencies, and to work to give our Agents the ability to protect themselves when placed in harm's way. And of greater importance, please do not let the memory of our hero, Jaime Zapata, fade away.

Thank you again for the opportunity to appear before the Subcommittee today. I look forward to answering any questions you may have.